

# **Exhibit E**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MOTOROLA, INC.,	)	
	)	
Plaintiff,	)	
v.	)	
	)	
LEMKO CORPORATION, XIAOHONG	)	Case No. 08 CV 5427
SHENG, SHAOWEI PAN, HANJUAN JIN,	)	
XIAOHUA WU, XUEFENG BAI,	)	
NICHOLAS LABUN, BOHDAN PYSKIR,	)	
HECHUN CAI, JINZHONG ZHANG,	)	
ANGEL FAVILA, ANKUR SAXENA,	)	
RAYMOND HOWELL, FAYE VORICK,	)	
NICHOLAS DESAI, and HUAWEI	)	
TECHNOLOGIES CO., LTD., a Chinese	)	
corporation,	)	
	)	
Defendants.	)	Judge Matthew F. Kennelly
	)	
* * * * *	)	Magistrate Judge Geraldine Soat Brown
LEMKO CORPORATION, SHAOWEI PAN,	)	
XIAOHUA WU and XIAOHONG SHENG,	)	
	)	
Counter-Plaintiffs,	)	
	)	
v.	)	
MOTOROLA, INC.,	)	
	)	
Counter-Defendant.	)	

**PLAINTIFF MOTOROLA, INC.'S SECOND SET OF  
INTERROGATORIES (NOS. 3-14) TO DEFENDANT NICHOLAS LABUN**

Plaintiff Motorola, Inc. (now known as Motorola Solutions, Inc., hereinafter "Motorola"), by and through its attorneys, pursuant to Federal Rule of Civil Procedure 33, hereby requests that Defendant Nicholas Labun ("Labun") answer under oath each of the following Interrogatories set forth below, in accordance with the Definitions and Instructions herein, and serve a copy of such answers within thirty (30) days of the date of service.

### **DEFINITIONS AND INSTRUCTIONS**

1. The term “You,” “Your” and “Labun” shall refer to Defendant Nicholas Labun, including his attorneys, agents, consultants, executive recruiters, and all other persons acting or purporting to act on his behalf.

2. The term “Lemko” shall refer to Defendant Lemko Corporation including any affiliated or related companies or entities, any predecessors, current or former subsidiaries, or current or former parent companies, affiliated or divisions and their present and former officers, directors, employees, attorneys, agents, consultants, and all other persons acting or purporting to act on its behalf. The term “Lemko personnel” shall refer to Defendant Lemko’s present and former officers, directors, employees, consultants, attorneys, and agents, and all other persons acting or purporting to act on its behalf.

3. The term “Motorola” shall refer to Plaintiff Motorola, Inc. (now known as Motorola Solutions, Inc.), including any affiliated or related companies or entities, any predecessors, current or former subsidiaries, affiliates or divisions and their present and former officers, directors, employees, attorneys, agents, consultants and all other persons acting or purporting to act on their behalf.

4. The term “person” means person and persons or people, and includes any natural person and/or corporations, companies, associations, partnerships, firms, governmental bodies, hospital, charitable institutions, or any other organization or entity.

5. The term “document” means, but is not limited to, the original and any non-identical copy of any written, printed, or graphic material, photographic matter, sound reproduction, or computer input, output or extract (whether image, data, or code), including any

correspondence, teletype message, memorandum of oral statements, conversations, and/or events, letters, emails, facsimiles, telegrams, personnel files, notes, reports, compilations, studies, tabulations, tallies, maps, diagrams, sketches, graphs, plans, pictures, records, securities, certificates, certificates of deposit, agreements, contracts, and licenses, however produced, reproduced or recorded, whether physically, mechanically, or electronically, which: 1) is now or was formerly in Your possession, custody, or control, or 2) is known or believed to be responsive to any of the following requests, regardless of who now has or formerly had custody, possession, or control.

6. The words “identify” or “identity,” when used with regard to a person, require that the full name, address, and telephone number of such persons be provided, together with the identity of said person’s employer, business address, and the business telephone number. When used with regard to a business organization, “identity” or “identify” requires that the organization’s name and business address be stated.

7. The words “identify,” “identity,” or “identification,” when used in reference to a document, mean that the respondent is required to state its date, its subject matter and substance, its author and each addressee and copy, and the type of document (e.g. letter, memorandum, telegram, chart, computer input or output, photograph, sound reproduction, etc.) or, if the above information is not available, some other means of identifying it, and its present location and the name of each of its present custodians.

8. “Related” “relates” or “relating” shall each mean and include contain or containing, constitute or constituting, comprise or comprising, refer or referring, represent or representing, describe or describing, discuss or discussing, and record or recording, explain or explaining, portray or portraying, and depict or depicting.

9. "Date" means the exact day, month, and year if ascertainable, or if not ascertainable, the best approximation of the date. An approximation may include explaining the date in terms of relationship to other events.

10. Unless the text clearly requires otherwise, You should interpret:

- a. The singular form of a word to include the plural and vice versa;
- b. the conjunctive "and" to include the disjunctive "or" and vice versa;
- c. the word "any" to include the word "all" and vice versa; and
- d. the past tense of a word to include the present tense and vice versa.

11. If You assert that an interrogatory is objectionable, please state with specificity, according to Federal Rule of Civil Procedure 33(b)(4), the grounds for objecting, which parts of the interrogatory You object to, or the response it requires, and why. If You assert that part of an interrogatory is objectionable, please respond to the remaining parts of the interrogatory to which You do not object.

12. In the event that You wish to assert either attorney-client privilege, work-product, and/or any other privilege as to any document for which identification and production has been requested by and of the following document requests, then as to each document subject to such assertion, Motorola requests that You provide such identification to include:

- a. the nature of the document;
- b. the sender, author, and recipient of any and all copies;
- c. the date of the document;
- d. the name of each person to whom the original or any copy was circulated;
- e. the names appearing on any circulation list associated with such document;

- f. a summary statement of the subject matter(s) of such document in sufficient detail to enable the Court to conduct an analysis to reach a determination of any claim of privilege or work product; and
- g. a separate indication of the basis of privilege or work product for each such document.

**INTERROGATORIES**

3. For each patent or patent application listed below, describe in detail the circumstances under which you conceived of the claims listed therein:

<b>Patent</b>	<b>Title</b>	<b>Inventor(s)</b>	<b>Filing Date</b>	<b>No. of Claims</b>
7,486,967 B2	System, method, and device for providing communications using a distributed mobile architecture	Shaowei Pan, Nicholas Labun	04/13/05	24
7,539,158 B2	System, method and device for providing communications using a distributed mobile architecture	Shaowei Pan	11/08/04	15
7,548,763 B2	System, method, and device for providing communications using a distributed mobile architecture	Shaowei Pan	04/13/05	18
7,653,414 B2	System, method, and device for providing communications using a distributed mobile architecture	Shaowei Pan	02/24/06	21
7,840,230 B2	Communications using a distributed mobile architecture	Shaowei Pan	05/22/09	18
7,855,988 B2	System, method, and device for routing calls using a distributed mobile architecture	Shaowei Pan	07/14/08	45
7,856,233 B2	System, method, and device for providing communications using a distributed mobile architecture	Shaowei Pan	03/30/06	17
7,979,066 B2	Multiple IMSI connections	Shaowei Pan	09/25/08	21

<b>Application</b>	<b>Title</b>	<b>Inventor(s)</b>	<b>Filing Date</b>	<b>No. of Claims</b>
11/451,238	Roaming mobile subscriber registration in a distributed mobile architecture	Shaowei Pan	06/12/06	27
11/858,762	System, method, and device for providing communications using a distributed mobile architecture	Shaowei Pan, Nicholas Labun	09/20/07	24
11/955,017	System, method, and device to control wireless communications	Shaowei Pan, Nicholas Labun	12/12/07	25
12/108,209	System and method to control wireless communications	Shaowei Pan	04/23/08	25
12/146,618	System and method to control wireless communications	Shaowei Pan	06/26/08	25
12/163,601	Fault Tolerant Distributed Mobile Architecture	Shaowei Pan	06/27/08	34
12/171,840	OAMP for distributed mobile architecture	Shaowei Pan	07/11/08	30
12/425,147	Providing communication using a distributed mobile architecture	Shaowei Pan	04/16/09	20
PCT/US2009/045951	System and method to control wireless communications	Shaowei Pan	06/02/09	25
PCT/US2009/045957	Fault tolerant distributed mobile architecture	Shaowei Pan	06/02/09	34



4. Identify by patent and/or application number and describe in detail the “patents,” “patent submissions,” and/or “12 key patent applications which are in the filing process” referred to within Documents 17011, 25424, 11535, 10983, and LEM 112756.

5. Identify any and all documents supporting and describe in detail your contention in paragraph 4 of the Joint Declaration of Nicholas Labun and Shaowei Pan of August 15, 2011 that you “conceived the inventions defined in the 8 patents and 10 patent applications listed above [in paragraph 2 of the Joint Declaration] after we left Motorola.”

6. Identify any and all documents supporting and describe in detail your contention in paragraph 4 of the Joint Declaration of Nicholas Labun and Shaowei Pan of August 15, 2011 that you “used Lemko’s facilities to invent the above-identified inventions [in paragraph 2 of the Joint Declaration] while [you] were employed by Lemko.”

7. Identify and describe in detail any and all documents constituting, referring, or relating to the “[r]ecords in our patent application files [that] prove corroboration” as contended in paragraph 5 of the Joint Declaration of Nicholas Labun and Shaowei Pan of August 15, 2011.

8. Identify any and all documents that support and describe in detail your contention in paragraph 7 of the Joint Declaration of Nicholas Labun and Shaowei Pan of August 15, 2011 that “[w]e believe Motorola knew of the technology we were developing at Lemko...”

9. Describe in detail the basis for your contention that “that Motorola no longer had a position for [you] and that I should take whatever time I needed to find another job” as contended by you in paragraph 10 of the Joint Declaration of Nicholas Labun and Shaowei Pan of August 15, 2011, including the name of the Motorola employee(s) that conveyed that information to you, the manner in which the information was conveyed, the date(s) on which that

information was conveyed, any and all documents constituting, referring or relating to this contention, and any other persons aware of the information.

10. Describe in detail any and all communications between you and any of the individuals listed in the chart below (taken from paragraph 42 of Defendants Lemko Corporation's, Shaowei Pan's, and Nicholas Labun's Statement of Undisputed Facts in Support of Their Motion for Summary Judgment on Motorola's Declaratory Judgment Claim for Patent Ownership), from 2001 to the present, including the date(s) of communication, the manner in which the communication took place, the information conveyed, any other persons aware of the communication, and any and all documents constituting, or referring or relating to, that communication.

<b>Motorola Officer or Employee</b>	<b>Title</b>
Ed Zander	Chairman, CEO
Richard N. Nottenburg	Executive VP and Chief Strategy Officer
Simon Leung	President Asia Pacific - Motorola
Pat Canavan	Senior VP, Global Governance
Raghu Rau	Senior VP, Strategy and Business Development
Warren Holtsberg	Corporate VP, Motorola Ventures
Mohammad Akhtar	VP GSM/UMTS Infrastructure
Mel Gaceta	Investment Manager Motorola Ventures
Paul Steinberg	Chief Technology Officer - Motorola Solutions
Jim O'Connor	Corporate VP, Technology Acceleration
Dan Tell	Fellow of Technical Staff
Joe Goldberg	Senior Director, Corporate Intelligence Strategy Office
David Findling	Senior Director Systems Research
Tony Kobrinetz	VP - WiMAX group
Tony Palcheck	Managing Director - Motorola Ventures
John Kelly	Director Engineering
Reese Schroeder	Director, Corporate Development

11. Describe in detail the “numerous business ventures and proposals” between Motorola and Lemko as contended in paragraph 40 of Defendants Lemko Corporation’s, Shaowei Pan’s, and Nicholas Labun’s Statement of Undisputed Facts in Support of Their Motion for Summary Judgment on Motorola’s Declaratory Judgment Claim for Patent Ownership, including for each “business venture or proposal,” the date(s) of the “business venture or proposals,” the persons involved in or otherwise aware of the “business venture or proposal,” the nature of the “business venture or proposal,” any and all information conveyed in support of the “business venture or proposal,” and any and all documents constituting, or referring or relating to the “business venture or proposal.”

12. Describe in detail the basis for your contention that you were “assigned no leadership projects...[and] had no responsibility for any work” after late 2002 as contended by you in paragraph 10 of the Joint Declaration of Nicholas Labun and Shaowei Pan of August 15, 2011, including the name of the Motorola employee(s) that conveyed that information to you, the manner in which the information was conveyed, the date(s) on which that information was conveyed, any and all documents constituting, referring or relating to this contention, and any other persons aware of the information.

13. Describe in detail any and all communications between you and any of the individuals listed in the chart below (taken from paragraph 43 of Defendants Lemko Corporation’s, Shaowei Pan’s, and Nicholas Labun’s Statement of Undisputed Facts in Support of Their Motion for Summary Judgment on Motorola’s Declaratory Judgment Claim for Patent Ownership), from 2001 to the present, including the date(s) of communication, the manner in which the communication took place, the information conveyed, any other persons aware of the

communication, and any and all documents constituting, or referring or relating to, that communication.

<b>Motorola Officer or Employee</b>	<b>Involvement</b>
Sandep Gupta	Attended 9/16/05 meeting with Lemko
John Kelly	Attended 9/16/05 meeting with Lemko
Dan Tell	Attended 9/16/05 meeting with Lemko
Manish Watwani Mohammad Akhtar	Not disclosed
Conroy Brown	Talks with Lemko in 2005/2006
Dan Coombes	Copied on inquiry about Lemko in 2007
Troy Dixler	Copied on inquiry about Lemko in 2007
Paul Flynn	Talks with Lemko in 2005/2006
Dennis Gilliland	Copied on inquiry about Lemko in 2007
Brenda Herold	Talks with Lemko in 2005/2006
Tim Jeanes	Talks with Lemko in 2005/2006
Rick Keith	Copied on inquiry about Lemko in 2007
Anthony Kobrinetz	Copied on inquiry about Lemko in 2007
Adolfo Masini	Copied on inquiry about Lemko in 2007
Tony Palcheck	July 2008 communications with Lemko
Bill Reinsch	Sent inquiry about Lemko in late 2007
Ray Sokola	Copied on inquiry about Lemko in 2007
Paul Steinberg	Received presentation from Lemko in July 2008; copied on communications in 2005
Bruce Stone	Copied on inquiry about Lemko in 2007
Subodh Vardhan	2005 communications with Lemko
Dave Wangrow	Talks with Lemko in 2005
Reese Schroeder	Talks with Lemko

14. Describe in detail any disclosure by you or others of the “Lemko technology embodied in the disputed patents and patent applications,” as referenced in paragraph 44 of Defendants Lemko Corporation’s, Shaowei Pan’s, and Nicholas Labun’s Statement of Undisputed Facts in Support of Their Motion for Summary Judgment on Motorola’s Declaratory Judgment Claim for Patent Ownership, to any Motorola officer or key employee, including the date(s) of the disclosure, the manner in which the disclosure took place, the information

conveyed, any other persons aware of the disclosure, and any and all documents constituting, or referring or relating to, that disclosure.

DATED: September 7, 2011

Respectfully Submitted,

By: J. Ethan McComb

Dan K. Webb  
Lawrence R. Desideri  
Maureen L. Rurka  
J. Ethan McComb  
Joanna R. Travalini  
WINSTON & STRAWN LLP  
West Wacker Drive  
Chicago, Illinois 60601  
T: (312) 558-5600  
F: (312) 558-5700

R. Mark Halligan  
Deanna R. Swits  
Jason T. Kunze  
NIXON PEABODY LLP  
300 South Riverside Plaza, 16<sup>th</sup> Floor  
Chicago, IL 60606  
T: (312) 425-3900  
F: (312) 425-3909

*Attorneys for Plaintiff Motorola, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was served via hand delivery, this 7th day of September, 2011, upon:

Raymond P. Niro (rniro@nshn.com)  
Raymond P. Niro, Jr. (rnirojr@nshn.com)  
Robert A. Conley (rconley@nshn.com)  
Brian E. Haan (bhaan@nshn.com)  
Joseph A. Culig (jculig@nshn.com)  
Niro, Haller & Niro  
181 West Madison Street, Suite 4600  
Chicago, Illinois 60602

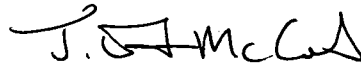
and via email, this 7th day of September, 2011, upon:

William J. Leonard (williamjleonard@yahoo.com)  
Wang, Leonard & Condon  
33 N. LaSalle Street  
Suite 2020  
Chicago, Illinois 60602

Michael Paul Persoon (mike.persoon@gmail.com)  
Jorge Sanchez (attysanchez@gmail.com)  
Thomas Howard Geoghegan (dsg77@aim.com)  
Despres Schwartz & Geoghegan, Ltd.  
77 W. Washington St., Suite 711  
Chicago, Illinois 60602

Karen Beverly (KBeverly@adamskiandconti.com)  
Adamski & Conti  
100 N. LaSalle Street  
Suite 1720  
Chicago, Illinois 60602

Isabella I. Wells (isabellawells@gmail.com)  
Law Offices of Isabella I. Wells, P.C.  
415 N. LaSalle Street, Suite 301  
Chicago, Illinois 60654

/s/ 

An Attorney for Plaintiff Motorola, Inc.